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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,653	02/10/2004	Steve Navarro	NAV-001	1451

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EXAMINER

NGUYEN, XUAN LAN T

ART UNIT PAPER NUMBER

3683

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,653

Applicant(s)

NAVARRO, STEVE

Examiner

Lan Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 15-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "76 and 80". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. Applicant stated in the Response dated 2/1/05 that amended Figure 5 was included with the Response. However, Figure 5 was not found with the Response. Please re-submit amended Figure 5.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 7, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Pyle.

Re: claim 1, Pyle shows self-contained trailer braking system, as in the present invention, comprising: a fifth wheel hitch attached to a trailer frame, where the trailer hitch further comprises a kingpin 11 to engage a fifth wheel of a towing vehicle, as shown in figure 2; a sliding mechanism 16 attached to the kingpin 11, where the sliding mechanism 16 is slidingly captured within the trailer frame and can move between a forward position and a rear position, as shown in figure 2, a spring 43 attached to the sliding mechanism and the trailer frame, where the spring biases the sliding member to the forward position, a brake actuator 41 mounted to the trailer frame and linked to the sliding mechanism; a brake assembly attached to the brake actuator, not illustrated but inherent; and a power supply 36 attached to the brake assembly, where power is applied to the brake assembly when the sliding mechanism is away from the forward position.

Re: claim 4, Pyle shows spring 43 to be a coil spring.

Re: claim 7, Pyle further shows the lock mechanism 56.

Re: claim 10, Pyle shows hydraulic master cylinder 36.

Re: claim 11, Pyle shows shock absorber 26.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 3, 5, 6, 8, 9 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pyle and Applicant's admitted prior art, page 4 of the specification.

Re: claims 2, 8 and 9, Pyle shows the energy to be hydraulic while the instant invention claims an internal combustion engine (note that internal combustion engines are normally present in construction vehicles and would have been available as a power supply to the brake system), a pneumatic energy and an electrical energy. Page 4 of the instant application admits that brake systems are normally operated with pneumatic, electric or hydraulic energy. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed one of the pneumatic, electric or hydraulic energy to operate the brake system; since all of these types of energies are considered old and well known and are readily available for use with a trailer brake system.

Re: claims 3, 5 and 6, the Examiner takes an Official Notice that a torsion bar, a pneumatic spring and a leaf spring are art equivalences of a coil spring and would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed one of these springs as a biasing means since they are considered to

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be art equivalences and any of these types of springs would have accomplished the same biasing task.

Re: claim 12, Pyle shows self-contained trailer braking system, as in the present invention, comprising: a fifth wheel hitch attached to a trailer frame, where the trailer hitch further comprises a kingpin 11 to engage a fifth wheel of a towing vehicle, as shown in figure 2; a sliding mechanism 16 attached to the kingpin 11, where the sliding mechanism 16 is slidably captured within the trailer frame and can move between a forward position and a rear position, as shown in figure 2, a coil spring 43 attached to the sliding mechanism and the trailer frame, where the spring biases the sliding member to the forward position, a brake actuator 41 mounted to the trailer frame and linked to the sliding mechanism; a brake assembly attached to the brake actuator, not illustrated but inherent; and a power generator 36 attached to the brake assembly, where hydraulic energy is applied to the brake assembly when the sliding mechanism is away from the forward position. Pyle shows the energy to be hydraulic while the instant invention claims a pneumatic energy. Page 4 of the instant application admits that brake systems are normally operated with pneumatic, electric or hydraulic energy. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed one of the pneumatic, electric or hydraulic energy to operate the brake system; since all of these types of energies are considered old and well known and are readily available for use with a trailer brake system.

Re: claims 13 and 14, Pyle shows shock absorber 26 and lock mechanism 56.

Response to Arguments

7. Applicant's arguments filed 2/1/05 have been fully considered but they are not persuasive. Applicant argues that Pyle's brake system for the trailer is not a self contained brake system because master cylinder 36 is connected to the hydraulic system of the towing vehicle as shown in column 2, lines 32-34 of Pyle. Column 2, lines 32-34 of Pyle state: "The master cylinder is connected to the hydraulic system of the vehicle by means of hydraulic line 47." Looking at figure 7 of Pyle, one can see that line 47 is illustrated to come up to arm 12 of the trailer. It is true that Pyle does not specify the "vehicle" as the towing vehicle or the towed vehicle. However, lines 58, 59 of column 2 state: "activate the master cylinder to stop the trailer". It is apparent from these two lines and figure 7 that hydraulic line 47 is used to actuate the towed vehicle brakes. It is maintained that Pyle's brake system is a self-contained trailer brake system since the sliding motion of the plate 16 activates the trailer brake system just as the instant invention wherein the sliding motion of plate 46 of the instant invention activates the trailer brake system.

The rejection is still deemed proper and is repeated above.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is (571) 272-7121. The examiner can normally be reached on M-F, 8 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lan Nguyen
Primary Examiner
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4/15/05